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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerard HOTIER et al.

Examiner: Ivars C. Cintins

Serial No.: 09/762,580

Group Art Unit: 1724

Filed: February 9, 2001

Title: SYSTEM FOR INJECTING A DIVERSIFIED FLUID IN A SIMULATED
MOVING BED SEPARATION PROCESS

RESPONSE TO REQUIREMENT FOR RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Requirement for Restriction mailed December 4, 2002, applicants hereby elect Group I, claims 1-17 and 23, drawn to the device. This election is made *with traverse*.

It is respectfully submitted that the relationship of the two groups of claims defined at page 2 of the Office Action fully satisfies the requirements for unity of invention under PCT rules 13.1 and 13.2. At page 2 of the Office Action, reasons given as supporting the argument that the two groups lack a "special technical feature" are that process claim 18 does not require "a device with plates having at least one panel comprising a single distribution, mixing and/or extraction chamber." However, the process of Group II is the result of an enclosure having the fluid distribution and extraction structure set forth in claim 1. While it is arguably true, as stated in the Office Action, that the process claim does not require the stated feature of the device claims this alone is insufficient to defeat unity of invention. For example, Annex B to the Administrative Instructions Under the PCT, reproduced at page AI-53 of the MPEP, states that an apparatus or means "shall be" considered to be specifically designed for carrying out a claim process if the contribution over the prior art of the apparatus or means "corresponds" to the contribution the process makes over the prior art. The instructions continue that the expression

"specifically designed" does *not* imply that the apparatus or means could not be used for carrying out another process, *nor that the process could not be carried out using an alternative apparatus or means*. See page AI-54 of the MPEP reproducing part I of Annex B of the Administrative Instructions Under the PCT. Thus, it is evident that the process claims describe a process which can be achieved with the apparatus of the claims of Group I, in a manner that is related to the improvement over the art contained in claim 1. Thus, the claims do possess unity of invention, and withdrawal of the requirement for restriction is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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FILED: January 6, 2002

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